

Message Text

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51

ACTION EB-11

INFO OCT-01 IO-14 ISO-00 ACDA-19 CIAE-00 DODE-00 PM-07

INR-10 L-03 NSAE-00 NASA-04 NSC-07 RSC-01 SCI-06

CCO-00 OTPE-00 FCC-03 OC-06 COME-00 EUR-25 NEA-10

PA-04 PRS-01 USIA-15 DRC-01 /148 W

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P 131745Z MAR 74

FM USMISSION GENEVA

TO SECSTATE WASHDC PRIORITY 4602

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E.O. 11652: N/A

TAGS: TSPA, PFOR, UN

SUBJECT: US DELEGATION TO DBSWG: REQUEST FOR GUIDANCE

1. DELEGATIONS OF CANADA, U.K. AND PAKISTAN IN OPENING STATEMENTS BEFORE CURRENT MEETING OF DIRECT BROADCAST SATELLITE WORKING GROUP EXPRESSED VIEW THAT PARA 428A IN ARTICLE VII OF ITU RADIO REGULATIONS CONSTITUTES IN EFFECT A FORM OF PRIOR CONSENT WHICH HAVING BEEN WIDELY AGREED UPON, INCLUDING BY US, USEFULLY COULD SERVE AS BASIS FOR RESOLVING DILEMMA BETWEEN STATE SOVEREIGNTY (USSR) AND FREE FLOW OF INFORMATION (US) EMPHASES.

2. PRIVATELY, CANADIAN DELEGATE HAS REQUESTED US INTERPRETATION OF, AND COMMENT ON PARA 428A PARTICULARLY AS REGARDS CANADIAN/SWEDISH VIEWS:

A) AT TECHNICAL LEVEL, THERE NOW EXISTS UNDER A BINDING INTERNATIONAL LEGAL INSTRUMENT A REQUIREMENT IN CERTAIN CIRCUMSTANCES FOR STATES TO OBTAIN PRIOR CONSENT BEFORE BEAMING TELEVISION SIGNALS FROM A SATELLITE INTO THE TERRITORY OF ANOTHER SOVEREIGN STATE;

B) WHAT THE INTERNATIONAL COMMUNITY NOW SEEMS TO REQUIRE IS REITERATION OF THIS CONCEPT IN BROADER TERMS AND ITS

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INTEGRATION INTO THE GUIDING PRINCIPLES;

AND C) THAT THE PRINCIPLE OF PRIOR CONSENT SHOULD BE LINKED TO PRINCIPLE OF RIGHT OF PARTICIPATION BY RECEIVING STATES IN THE DEVELOPMENT AND OPERATION OF SATELLITE BROADCASTING SYSTEMS WHICH ARE INTENDED TO BROADCAST IN WHOLE OR IN PART, INTO THEIR TERRITORIES.

3. US DELEGATION MADE STRONG REJECTION OF PRIOR CONSENT CENTRAL ELEMENT IN COMPREHENSIVE OPENING PLENARY STATEMENT MARCH 13. IN VIEW CANADIAN REQUEST AND EXPECTATION OTHER DELEGATION WILL WISH GIVE CONSIDERABLE ATTENTION TO PARA 428A ASPECT, US DELEGATION WOULD APPRECIATE AUTHORITATIVE USG INTERPRETATION SOONEST WITH RELATED COMMENTARY AND GUIDANCE ON APPROPRIATE RESPONSE. DALE

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: SOVEREIGNTY, MEETING DELEGATIONS, INTERNATIONAL ORGANIZATIONS, FOREIGN POLICY POSITION, TELEVISION BROADCASTING, COMMUNICATION SATELLITES
Control Number: n/a
Copy: SINGLE
Draft Date: 13 MAR 1974
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: morefirh
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1974GENEVA01663
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: n/a
From: GENEVA
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1974/newtext/t19740348/aaaabsjx.tel
Line Count: 74
Locator: TEXT ON-LINE
Office: ACTION EB
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators:
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: n/a
Review Action: RELEASED, APPROVED
Review Authority: morefirh
Review Comment: n/a
Review Content Flags:
Review Date: 17 JUN 2002
Review Event:
Review Exemptions: n/a
Review History: RELEASED <17 JUN 2002 by boyleja>; APPROVED <27 JUN 2002 by morefirh>
Review Markings:

Declassified/Released
US Department of State
EO Systematic Review
30 JUN 2005

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: US DELEGATION TO DBSWG: REQUEST FOR GUIDANCE
TAGS: TSPA, PFOR, XX, US, UN, ITU, DBSWG
To: STATE
Type: TE
Markings: Declassified/Released US Department of State EO Systematic Review 30 JUN 2005